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National Defence / Défense nationale

MINISTER OF NATIONAL DEFENCE

CANADIAN ARMED FORCES

Minister of National Defence's Report to Parliament on Culture Change Reforms

in response to former Supreme Court Justice Arbour's recommendations



December 12, 2022

The release of this report may evoke a range of personal responses. Should you or someone you know have experienced an incident of sexual misconduct, there are resources available to support current and former members of the Defence Team.

The Sexual Misconduct Response Centre (SMRC) provides 24/7 confidential support by telephone at 1-844-750-1648 and by email at DND.SMRC-CIIS.MDN@forces.gc.ca.

A trained counsellor will take the call, listen, discuss the kind of resources best suited to the individual's needs, and help with any next steps. The SMRC is independent from the CAF chain of command and counsellors do not have a duty to report.

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Table of Contents

Foreword by the Minister of National Defence 4
Introduction 5
Definitions of Sexual Misconduct and Sexual Harassment 6
Military Justice 7
Administrative Action 10
Complaints 11
Military Grievance System 12
Duty to Report and Barriers to Reporting 13
Sexual Misconduct Response Centre 14
Improving and Clarifying Supports for Survivors 14
The SMRC's Name, Role and Function 15
Improving Recruitment Processes and Basic Training 17
Ensuring obligations with respect to sexual misconduct are understood early on by refining recruitment screening test processes 18
Military Training and Professional Military Education 19
Prioritizing Postings to Training Establishments: 19
Incentivizing and Rewarding Instructors 19
Addressing Disincentives 20
Ensuring Appropriate Screening 20
External Secondments 20
Military Colleges 21
Personnel Appraisal and Assessment 23
General and Flag Officer Selection 25
Refining and Expanding Evaluation Tools 25
Conduct Self-Certification 26
Representation of Women in the GOFO Cadre 27
Career Management and Postings 28
Universality of Service 28
Succession Planning 29

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DIVULGUÉ EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

Input and Oversight 30
Internal 30
Governor-in-Council Appointments 32
The Media and External Academics 32
Driving Implementation through Accountability 34
Epilogue from the Minister: Honesty, Transparency and Accountability ... 36
Annex A – List of 17 IECR Recommendations Accepted for Immediate Implementation 37

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Foreword by the Minister of National Defence

On October 26, 2021, I was sworn in as Canada's Minister of National Defence. Upon my appointment, I immediately made clear that my top priority as Minister is to build a military where all members feel protected and respected by their own colleagues, so that they can accomplish their mission to protect Canada. Canadian Armed Forces members are there for us all every single day, and our aim is to protect those who protect us. Far too many members of the Canadian Armed Forces have experienced sexual harassment and sexual misconduct – and we have an obligation to deliver meaningful institutional reforms that will stand the test of time.

Just days after my appointment on November 4, 2021, I accepted the interim recommendation of The Honourable Louise Arbour to move the investigation and prosecution of *Criminal Code of Canada* sexual offences from the military justice system to the civilian justice system. On May 30, 2022, I accepted in full Madame Arbour's final report of the Independent External Comprehensive Review, and immediately committed to implementing 17 of its 48 recommendations, listed in Annex A. Since the release of the report, I have directed the Department of National Defence and the Canadian Armed Forces to pursue an all-hands on deck effort to address all its recommendations – including through the appointment of an External Monitor, which I announced on October 24, 2022.

Today, I present to Parliament our path forward in respect of all 48 recommendations. This is an ambitious roadmap for reform developed through months of work and consultation. Going forward, we will continue to put our shoulders to the wheel, to deliver substantive changes in the Department of National Defence and to the Canadian Armed Forces.

Though there remains much work ahead of us, substantive change is well underway. In addition to presenting our path forward, this report also outlines the progress that we have made to date on addressing many of Madame Arbour's recommendations, and ongoing culture change efforts more broadly.

As a lawyer, mother, and Cabinet minister, I believe that all our personnel in uniform, and the civilians who support them, have the right to work in a healthy and inclusive workplace, free from harassment and discrimination of all kinds. Building an inclusive and diverse military is not just the right thing to do; it is also essential to our national security. Canada needs a military that can attract and retain talent from across society. If we cannot protect our members, we cannot expect that they will be willing to join and will be able to protect us.

The countless stories of victims and survivors are heartbreaking, and far too common. Yet, I believe that there is reason for hope. Throughout the past year, I have traveled to military bases across the country and heard directly from Canadian Armed Forces members at all ranks who are open to reform and are willing to help bring it about.

I believe deeply that things can change, they must change, and they will change. It is our most basic responsibility, our most important task, and my absolute priority.

Sincerely,



The Honourable Anita Anand, P.C., M.P.

Minister of National Defence

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Introduction

On May 20, 2021, former Supreme Court Justice, Louise Arbour was engaged to conduct a review of policies, procedures, programs, practices, and culture within the Canadian Armed Forces (CAF) and the Department of National Defence (DND). The review is entitled the Independent External Comprehensive Review (IECR).

From May 2021 to May 2022, Madame Arbour and her team conducted an extensive review of CAF recruitment, training, performance evaluation, posting, and promotion systems, as well as the military justice system's policies, procedures, and practices to respond to allegations of harassment and sexual misconduct. In addition, they reviewed the Sexual Misconduct Response Centre's (SMRC) mandate, and conducted an assessment of the progress made in addressing the recommendations contained in former Supreme Court Justice The Honourable Marie Deschamps' 2015 report. They also made assessments and recommendations to establish external oversight and/or review mechanisms related to misconduct.

During this time period, Madame Arbour provided interim recommendations to the Minister of National Defence, which the Minister immediately accepted after her appointment on November 4, 2021, to refer the investigation and prosecution of Criminal Code sexual offences from the military justice system to the civilian justice system. Since then, federal and provincial partners have begun an intensive effort to refer the investigation and prosecution of these cases to civilian authorities.

On May 20, 2022, the final IECR report was provided to the Minister of National Defence. It contains 48 recommendations that seek to address issues of sexual harassment and misconduct in the military. Those areas range from the CAF's definitions of sexual misconduct and harassment, to the mandate and activities of the SMRC — including its independence and reporting structure — to issues around recruitment, military training and colleges, and internal and external oversight mechanisms.

On May 30, 2022, the Minister welcomed all 48 recommendations in the IECR, announced that work to implement 17 of the recommendations would begin immediately, and instructed the Defence Team that an assessment and path forward for the remaining recommendations be developed in short order. One of the 17 accepted recommendations, **IECR recommendation 48,** called for the Minister to appoint an external monitor. On October 24, 2022, the Minister appointed Jocelyne Therrien as External Monitor to oversee DND/CAF efforts to address misconduct and help monitor the implementation of the IECR recommendations. Another of the immediately accepted recommendations is I**ECR Recommendation 47**, which called for the Minister to inform Parliament of any recommendations she does not intend to implement by the end of 2022.

After careful analysis and robust consultation, the Minister of National Defence has decided that none of Madame Arbour's recommendations will be rejected. She has directed DND/CAF officials to move forward on implementing all of the 48 IECR recommendations, as described herein.

This report, tabled in Parliament on December 12, 2022, outlines the following:

- The CAF and DND's ongoing work to implement the 17 IECR recommendations that the Minister initially accepted;
- The roadmap to respond to Madame Arbour's remaining 31 recommendations;
- Ongoing and forthcoming culture change initiatives that align with Madame Arbour's recommendations.

The recommendations marked with an asterisk are included in the list of 17 recommendations that the Minister of National Defence immediately accepted and directed DND/CAF officials to deliver on May 30, 2022. They are also listed in Annex A.

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Definitions of Sexual Misconduct and Sexual Harassment

Members of the CAF are subject to rules and prohibitions regarding personal relationships and sexual misconduct. In the IECR, Madame Arbour writes that "there needs to be corrective measures to bring coherence, clarity and accessibility to the broad range of prohibited conduct in the CAF that currently falls under sexual misconduct"[1], and that in order to do so, a "strong understanding of how this terminology is currently interpreted across the CAF" is required.[2]

As such, Madame Arbour recommends that the formal definition of "sexual misconduct" in the Defence Administrative Orders and Directives (DAOD) 9005-1 and other policies be abolished (**IECR Recommendation 1**), and that sexual assault be included as a standalone item in the definitions section of relevant CAF policies, with the following definition: '…sexual assault (aggression sexuelle): Intentional, non-consensual touching of a sexual nature' (**IECR Recommendation 2**). As part of **IECR recommendation 2**, Madame Arbour also states that the relevant policies should then refer to the Criminal Code as the applicable law regarding sexual assault.

The Minister agrees that steps must be taken to provide clarity and certainty in the articulation of prohibited conduct, and has directed DND/CAF officials to implement both of these recommendations.

DND/CAF officials have determined that these recommendations pertain to CAF policy definitions that are interdependent, and therefore will move to implement IECR recommendations 1 and 2 together. DND/CAF will ensure that these crucial changes to CAF policy are aligned with existing definitions in the *Criminal Code of Canada*, *Canada Labour Code,* and *Canadian Human Rights Act*. To support the implementation of IECR recommendations 1 and 2, DND/CAF will establish a working group to examine and update all internal policies, and to ensure that these efforts align with the successful implementation of **IECR Recommendation 3** (see below).

Amendments to the *Canada Labour Code*, which now includes the *Workplace Harassment and Violence Prevention Regulations* (WHVP), came into force in January 2021. The WHVP Regulations introduced a number of amendments to strengthen the existing framework for harassment and violence prevention, and **IECR Recommendation 3** states that CAF should adopt the *Canada Labour Code* definition of harassment, which includes sexual harassment and is in line with DND's approach, as well as with the remainder of the federal public service.

In response to this recommendation and the Minister's direction, DND/CAF will work to align CAF harassment policy and processes with WHVP policy and processes (and, therefore, with the *Canada Labour Code*). These efforts will achieve the intent of Madame Arbour's third recommendation, as they will ultimately align the CAF's process for managing harassment and violence complaints with that of DND and the rest of the federal public service. Together, these recommendations will ensure definitions of sexual assault and harassment are more clearly set apart in the CAF, which will ensure the two are not conflated.

In the IECR, Madame Arbour also articulates that fraternization and personal relationships in the CAF require a unique set of regulations that must be managed in a way that supports the best interests of the CAF, and that protects its most vulnerable members. **IECR Recommendation 4** includes the following:

- The current definition of personal relationship should remain;

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[1] The Honourable Louise Arbour, CC, GOQ, *Report of the Independent External Comprehensive Review of the Department of National Defence and the Canadian Armed Forces* (20 May 2022), 60.
[2] *Ibid.*

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- The concept of "adverse personal relationship" should be abolished;
- All CAF members involved in a personal relationship with one another should inform their chain of command;
- Commanders should be given appropriate guidance as to how to handle the situation presented to them; and,
- Should an undisclosed personal relationship come to light between members of different rank, or otherwise in a situation of power imbalance, there should be a rebuttable presumption that the relationship was not consensual. Any negative consequences should be primarily visited on the member senior in rank or otherwise in a position of power.

Relatedly, Madame Deschamps also addresses the issue of adverse personal relationships in the CAF in her 2015 *External Review into Sexual Misconduct and Sexual Harassment*, in which she recommended (ERA Recommendation 5) that the CAF develop a definition that specifically addresses relationships between members of a different rank, and create a presumption of an adverse personal relationship where the individuals involved are of a different rank, unless the relationship is properly disclosed.

After carefully analyzing and comparing the various elements within these recommendations, the Minister has directed DND/CAF to undertake an implementation approach that combines elements from both Madame Arbour's **IECR Recommendation 4**, and Madame Deschamps' ERA Recommendation 5.

This implementation approach will not direct all CAF members to disclose all of their personal relationships (i.e. any emotional, romantic, sexual, or family relationship between two CAF members, or a CAF member and DND employee or contractor, or member of an allied force) to their chain of command as a condition of their employment. Instead, our implementation approach will include a range of new actions, from both former Supreme Court Justices, that seeks to balance CAF members' inherent right to privacy in our free and democratic society, with protecting its most vulnerable members, including members who may not feel comfortable disclosing their sexuality. These actions include:

- Refining the existing concept of an adverse personal relationship, with examples that better describe what a power imbalance entails – including by creating an administrative presumption that when the relationship is not properly disclosed, the relationship should be considered to be an adverse personal relationship;
- Providing concrete examples of when CAF members must notify their chain of command of personal relationships;
- Providing commanding officers with criteria to deal with individual situations to include administrative action; and,
- Ensuring the onus to rebut the presumption of adverse personal relationship falls onto the more senior member in instances where there is an undisclosed personal relationship between members of different rank, or otherwise in a power imbalance.

External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces (27 March 2015) by Former Supreme Court Justice Madame Marie Deschamps (External Review Authority).

In June 2014, Former Supreme Court Justice Madame Marie Deschamps was mandated to examine CAF policies, procedures and programs in relation to sexual harassment and sexual assault, including the effectiveness with which these policies were being implemented. To carry out this mandate, the ERA conducted a series of confidential interviews with Reserve and Regular Force members, from all ranks and environments (Navy, Army, Air Force, and training), from July to December, 2014. The ERA also interviewed individuals whose work in the CAF relates, in various ways, to the investigation or prevention of sexual harassment and sexual assault, or to providing support to victims of such harmful conduct. These individuals included Commanding Officers, harassment advisors, workplace relations advisors, military police, investigators from the Canadian Forces National Investigation Service, representatives of the Judge Advocate General, chaplains, physicians, nurses, social workers, and representatives of support groups, as well as several military researchers. The ERA also met with two civilian organizations, one operating in the law enforcement sector and one commercial corporation, and reviewed information concerning the practices of a number of other armed forces, to examine best practices in addressing inappropriate sexual conduct in the workplace. On March 27, 2015, the ERA made its 10 final recommendations.

Military Justice

In October 2021, Madame Arbour submitted interim recommendations to the Minister of National Defence, which stated, in part, that former Supreme Court Justice, The Honourable Morris J. Fish's recommendation 68 should

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be implemented immediately. In November 2021, the Minister announced that DND/CAF will work to immediately implement Madame Arbour's interim recommendations. Specifically, Madame Arbour's interim recommendations are as follows:

- The Honourable Morris J. Fish's recommendation 68 should be implemented immediately. All sexual assaults and other criminal offences of a sexual nature under the Criminal Code, including historical sexual offences, alleged to have been perpetrated by a CAF member, past or present ("sexual offences") should be referred to civilian authorities. Consequently, starting immediately, the Canadian Forces Provost Marshal (CFPM) should transfer to civilian police forces all allegations of sexual offences, including allegations currently under investigation by the Canadian Forces National Investigation Service (CFNIS), unless such investigation is near completion. In any event, in all cases charges should be laid in civilian court.
- Correspondingly, civilian authorities should exercise investigative and prosecutorial jurisdiction over all sexual offences by CAF members. Should civilian authorities decline to proceed, the matter should be returned to the CAF to determine whether disciplinary action is desirable under the National Defence Act. Administrative Review related to sexual misconduct in the CAF should continue to proceed, for the time being, in parallel to, in addition to, or in the absence of criminal charges.

Report of the Third Independent Review Authority to the MND by Former Supreme Court Justice The Honourable Morris J. Fish (30 April 2021.)

On November 5, 2020, the Minister of National Defence, appointed the Honourable Morris J. Fish, former Justice of the Supreme Court of Canada, to conduct an independent review of specified provisions of the National Defence Act (NDA) and their operation.

The provisions that were reviewed include those relating to military justice, military grievances and external review of grievances, the Canadian Forces Provost Marshal, and the Military Police Complaints Commission.

On April 30, 2021, Justice Fish provided 107 recommendations dealing with the military justice system, including how issues of sexual misconduct are addressed, military policing and police oversight, military grievances and the external review of grievances, and the independent review process. The report was tabled in Parliament on June 1, 2021.

Since the acceptance of Madame Arbour's interim recommendations, the following steps have been taken to support its delivery:

- The CFPM and the Director of Military Prosecutions (DMP) issued a joint statement on November 5, 2021 that they would implement Madame Arbour's interim recommendations immediately and that work was underway;
- In December 2021, the CFPM directed that all allegations received by the Military Police (MP) regarding criminal offences of a sexual nature under the Criminal Code were to be referred to the Federal, Provincial and Territorial (FPT) partners of concurrent jurisdiction, with the MP available to conduct investigations into any allegations refused by FPT authorities;
- Military Police were also directed to conduct a review of any ongoing files into allegations of criminal offences of a sexual nature and, where possible, to transfer those files to FPTs of concurrent jurisdiction. This action is now complete with files transferred where possible;
- In August 2022, the CFPM issued additional direction that all MP investigations into allegations of criminal offences of a sexual nature were to be processed through the civilian justice system. That is to say, that the MP, where applicable, are to lay charges under the *Criminal Code of Canada*, versus the *National Defence Act*.
- Ministers and senior officials across federal departments have been working closely with their Provincial and Territorial counterparts, through a variety of fora, to formalize a seamless process for the referrals and transfers of cases between jurisdictions. This includes through the sharing of information and best practices. For example:

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- The transfer of cases was discussed at the FPT Justice and Public Safety Ministers' meetings in February 2022 and October 2022, as well as at FPT Justice and Public Safety Deputy Ministers' meetings in December 2021 and October 2022.
- On December 14, 2021 and February 14, 2022 the Acting Judge Advocate General briefed the FPT meetings of Deputy Ministers and Ministers of Justice and Public Safety on the implementation of Madame Arbour's interim recommendations.

As of November 28, 2022, the MP continue seeking to refer new cases, many of which have been accepted by federal, provincial and municipal police services. It is important to note that the numbers of cases referred and transferred changes over time. The MP will continue to provide updates to the public on these efforts.

Since November 2021, several police jurisdictions have agreed to take on CAF cases. For example:

- As of January 2022, the RCMP began accepting transfers of new files from the CAF;
- In February 2022, Quebec's Ministry of Public Security wrote to the Quebec police force advising them to accept new files and transfers based on their capacity and that a detailed protocol was in process;
- In addition, numerous municipal police forces across the country have accepted and continue to accept files on a case-by-case basis.

The MP continue to work with their FPT counterparts to refer allegations of criminal offences of a sexual nature that they receive to civilian police forces in a deliberate, victim-centric, and trauma-informed approach.

In addition, several complementary steps to modernize the military justice system and align it further with the civilian justice system have been undertaken in recent months. These steps include:

- In June 2022, the remaining provisions of *An Act to Amend the National Defence Act* and to make related and consequential amendments to other Acts (formerly known as Bill C-77) came into force, which:
  - Brings the military justice system into alignment with the civilian criminal justice system in relation to the rights that are afforded to the victims of service offences;
    - The Declaration of Victims Rights introduced new rights for victims of service offences, including the rights to information, protection, participation and restitution;
    - Further, the Declaration of Victims Rights will go beyond the Canadian Victims Bill of Rights by providing victims of service offences the right to request the assistance of a specially trained victim liaison officer who can explain how service offences are charged, dealt with and tried within the military justice system, and who will help them obtain the information which the victim has a right to request under the Declaration of Victims Rights.
  - Introduces the summary hearing process, which is a non-penal, non-criminal disciplinary process grounded in administrative law principles; and retires the criminal law-based summary trial process;
  - Enhances the independence of key military justice system actors and more fully aligns military judge and Court Martial powers and procedures with the civilian justice system;
- Budget 2022, allocated $15M over six years to fund the development of the Justice Administration and Information Management System, or JAIMS, an electronic case management tool and database.), Developed by the Assistant Deputy Minister (Information Management) and the Judge Advocate General (JAG), JAIMS will provide a key tool to identify the sources of delay within the military justice system, and enable the use of targeted measures to address their causes.
  - Having readily accessible case-specific information will increase the efficiency and effectiveness of the military justice system by allowing military leaders and their legal advisors to follow and ensure that cases are progressing in accordance with established timelines and procedural requirements. It will also improve the Office of the Judge Advocate General's ability to closely monitor the performance of the military justice system on an ongoing basis.
- In July 2021, a new military justice modernization division was stood up within the Office of the Judge Advocate General (OJAG) to support the implementation of recommendations from external reviews relating to military justice;
- All members of the Military Police were mandated to take trauma-informed training to ensure those who come forward feel safe, heard, and protected.

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With respect to **IECR recommendation 5**, Madame Arbour builds on her interim recommendation, and goes further by calling for the removal of Criminal Code sexual offences from the jurisdiction of the CAF, stating that:

- They should be prosecuted exclusively in civilian criminal courts in all cases;
- Where the offence takes place in Canada, it should be investigated by civilian police forces at the earliest opportunity;
- Where the offence takes place outside of Canada, the MP may act in the first instance to safeguard evidence and commence an investigation, but should liaise with civilian law enforcement at the earliest possible opportunity.

The Minister of National Defence expects that DND/CAF will implement IECR Recommendation 5. As such she has directed DND/CAF to present options regarding how such jurisdictional change can occur, and to do so in consultation with FPT partners and other actors.

Recommendation 5 recommends the removal of the prosecutorial jurisdiction of the CAF over a number of criminal sexual offences, as well as the removal of the military police investigative jurisdiction into those offences. The implementation of this recommendation raises several important multi-jurisdictional and multi-departmental considerations that DND/CAF has been directed to work through with FPT partners and other actors.

The Minister has directed that the implementation of this recommendation must address potential issues such as: the capacity for civilian police services to investigate historical cases; the ability or inability to investigate or prosecute cases declined by civilian authorities in the interim; Canada's obligations under international law; civilian authorities' understanding of the military environment; the ability of civilian authorities to investigate cases outside of Canada (including civilian police force capacity to deploy to conflict zones); discrepancies in providing victims' services between the civilian and military justice systems; and the need for transitional provisions for cases on appeal or still in the military justice system at the time that statutory amendments come into force to enable this jurisdictional change.

In order to address these matters, an FPT Deputy Minister-level committee will convene in the near term to develop the path forward. This in turn will inform the implementation options that will be presented to the Minister. As such, a phased approach for implementing IECR Recommendation 5 may be required, to properly address any legislative, regulatory and policy amendments, including amendments to the *National Defence Act (NDA)*. Consultations through a variety of fora on this matter will also form the basis for options to be presented to the Minister from DND/CAF to implement recommendation 5.

As Madame Arbour acknowledges in the IECR, legislative amendments to the NDA may take several years to implement. In the meantime, and as recommended by Madame Arbour, work to implement the IECR interim recommendations and systematize the referral of cases to civilian authorities will continue in earnest.

Administrative Action

Madame Arbour articulates that a robust response to sexual misconduct at all levels of command is essential to the CAF achieving progress in addressing sexually inappropriate behaviour amongst its members. In her report, she outlines the role that administrative measures play in this response and expresses her concerns around existing processes.

IECR Recommendation 6 states that the Director Military Careers Administration (DMCA) should engage in an externally-led quality assurance assessment – similar to that conducted by the Sexual Assault Review Process initiated by the CFNIS – of the administrative reviews conducted from 2015 to date relating to sexual misconduct, which resulted in retaining the member without career restrictions.

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Madame Arbour states that the intent of this recommendation is to provide for externally-led quality assessment, providing external input into the administrative review process, as it relates to sexual misconduct, to ensure best practices. DAOD 5019-2 Administrative Review is an order that directs actions to be taken when an incident, a special circumstance, or a conduct or performance deficiency occurs that violates professional standards and calls into question the viability of a CAF member's continued service. The order applies to officers and non-commissioned members of the CAF. It was last modified in June 2022.

In response to **IECR Recommendation 6**, the Minister has directed that DND/CAF undertake a review of various administrative review case files, in line with Madame Arbour's recommendation to do so. The CAF recently initiated an Administrative Review Advisory Panel (ARAP) that will further analyze sexual misconduct administrative reviews in which the chain of command recommends release, and DMCA's initial analysis suggests retention.

Complaints

CAF personnel deserve ready access to simple, transparent, and robust complaints processes, including for non-criminal complaints regarding sexual misconduct. The CAF continues to improve the end-to-end experience of the CAF complaints processes - from when a person first considers filing a complaint through to resolution. The goal is to better support our people, including by providing simplicity in accessing the right support, transparency throughout the process, and a trauma-informed approach **that ensures that complainants do not face repercussions for bringing their cases forward.**

Madame Arbour states that CAF members should not be stopped from bringing their complaints forward to bodies that are external to the CAF, as she is of the view that they have the experience and expertise needed to assist victims of sexual harassment. As such, **IECR recommendation 7** states that:

- The CAF should not file any objections based on section 41(1)(a) of the *Canadian Human Rights Act* (CHRA), and should allow the Canadian Human Rights Commission (CHRC) to assess any complaint for sexual harassment, or for discrimination on the basis of sex, regardless of whether the complainant has exhausted internal complaint mechanisms.
- The Minister should seek assistance from her colleagues to ensure that the CHRC and the Canadian Human Rights Tribunal (CHRT) are adequately resourced to assess complaints against the CAF, and hear them in a timely manner.

Relatedly, **IECR recommendation 9** states that:

- Any complaint related to sexual harassment or discrimination on the basis of sex or involving an allegation of retaliation for reporting sexual harassment or discrimination on the basis of sex should be first directed to the CHRC, should the complainant so choose.
- CAF should no longer object to the jurisdiction of the CHRC on the basis that internal remedies, including its grievance process, have not been exhausted.

The Minister fully agrees with the need to ensure that survivors of sexual harassment are supported by entities with appropriate experience and expertise. In response to these recommendations, the Minister has directed that the CAF should not file any such objections based on section 41 (1) (a) of the CHRA with the CHRC assessing the complaints articulated in **IECR recommendation 7**. The CAF is committed to delivering on this recommendation, and direction.

Madame Arbour also states that allowing the CHRT to award legal costs and remove its existing cap on general damages would increase access to justice for complainants, including CAF members who may not have adequate alternatives. As such, **IECR Recommendation 8** states that the CHRA should be revised to permit the award of legal cost and to increase the amount in damages that can be awarded to successful complainants, and that to assist in the implementation of this recommendation, the Deputy Minister should bring this matter to the attention of the appropriate authority on an immediate basis.

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Recognizing that the CHRA, CHRC and CHRT fall under the purview of the Department of Justice, and per Madame Arbour's recommendation, the Minister has emphasized the importance of ensuring to relevant colleagues and officials that the elements of Madame Arbour's recommendations that pertain to the CHRC, CHRA, and CHRT, are taken seriously and responded to. As such, this recommendation has since been brought to the attention of Department of Justice officials who are analyzing the recommendations and their implications for the work of the CHRC and the CHRT.

Military Grievance System

Given that instances of sexual misconduct fall below the legal threshold of criminal conduct, it is paramount that all grievances related to sexual misconduct be addressed effectively and objectively.

IECR Recommendation 10 contains a range of sub-recommendations, including the following:

- Grievances related to sexual misconduct should be identified, prioritized and fast-tracked through the grievance system at both the initial authority (IA) and final authority (FA) levels;
- The Vice-Chief of the Defence Staff (VCDS) or their specific delegate should manage the process for all grievances related to sexual misconduct, sexual harassment or sexual discrimination or involving an allegation of reprisal for reporting, or otherwise disclosing sexual misconduct, sexual harassment or sexual discrimination. For such grievances, the Canadian Forces Grievance Authority (CFGA) should designate an IA with subject matter expertise, and who is outside the grievor's chain of command;
- QR&O 7.21 should be amended to make it clear that grievances related to sexual misconduct, sexual harassment and sexual discrimination should be mandatorily referred to the Military Grievances External Review Committee (MGERC);
- The Chief of the Defence Staff (CDS) should remain the FA and be required to dispose of the matter within three months.

The intent of Madame Arbour's recommended approach to grievances related to sexual misconduct is to "ensure that such grievances are dealt with efficiently and effectively at both the IA and the FA levels[3]", "ensure that such grievances are addressed by subject matter experts who are outside the grievor's direct chain of command in order to improve consistency and remove a possible barrier to filing such grievances[4]", and to "increase visibility into such grievances within the organization as a whole and particularly among senior leaders.[5]"

Both the Third Independent Review Authority (IR3) (Mr. Fish), and IECR reports made a series of recommendations regarding the military grievance system, and in the case of the IECR report, how grievances related to sexual misconduct are handled. **Both reports highlight that in order for the grievance system to be effective, complainants have to be confident that their cases will be handled impartially, and they will not face negative repercussions for coming forward. These are challenges that are to be taken seriously and steps continue to be undertaken to address these issues, and to improve the military grievance process.**

For example, on March 3, 2021, the CDS issued a Directive recognizing the unacceptable delays in the grievance process and proposing an action plan to remedy this issue. Since then, the CAF has made a sustained effort to address relevant process concerns, which has reduced backlogs and legacy grievances. The CAF has also implemented a shorter version of the reporting letter for some grievances. Since the issuance of this CDS Directive, CFGA has more than tripled its annual output of decision letters from the Final Authority, and

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[3] *Ibid, 147.*
[4] *Ibid.*
[5] *Ibid.*

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DIVULGUÉ EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

it has increased Initial Authority time limit (less than 120 days for decision at that level) compliance rates significantly.

As another example, the CFGA has also mandatorily referred all grievances related to sexual misconduct to the Military Grievance External Review Committee. This will add another layer of independence to the system.

Going forward, and in response to the various sub-recommendations within **IECR recommendation 10**, as well as the Minister's direction, DND/CAF will analyze and propose updates to the Queen's Regulations & Orders for the Canadian Forces (QR&O)[6] that are aligned with the intent of this recommendation. Recognizing that these legislative and regulatory changes will take time and that work may be required to reconcile IECR recommendation 10 with other IR3 recommendations, DND/CAF will continue to undertake a series of measures in the interim that are consistent with existing laws and regulations. These include:

- The Director of the CFGA and other stakeholders will continue to implement the CDS Directive of CAF Grievance System enhancements (published in March 2021), with a view to achieving IECR Recommendation 10's intent of causing no further harm;
- DND/CAF will continue to prioritize grievances at the CDS/DM level, through inclusion in mandate letters and performance and senior governance forums, so as to strengthen the CAF Grievance Standard and expedite the resolution of grievances;
- In October 2022, ADM(RS) preliminarily finalized an independent advisory review of the CAF Grievance System. Taking into account the outcomes of this ADM(RS) review and other external reviews, DND/CAF will stand up a 'Tiger Team' to develop a CAF Grievance System Transformation Action Plan; and,
- DND/CAF will ensure that the CAF Grievance System Transformation Action Plan will include the establishment of informed service standards, by which the performance of these improvements will be measured.

The prioritization of sexual misconduct/sexual harassment cases may inadvertently create the perception of a hierarchy of harm, thus reinforcing the requirement for clear communications and ensuring that grievances related to all harmful conduct are treated in a timely and victim-oriented manner.

Going forward, DND/CAF officials will also be clearly communicate to all DND employees and CAF members about the full range of reporting mechanisms available to them.

Duty to Report and Barriers to Reporting

In her report, Madame Arbour highlighted concerns related with duty to report, including the isolation it can create for survivors and the lack of trauma-informed considerations in the blanket application of duty to report.

Some of these concerns have been raised and addressed in the context of the duty to report relating to the Restorative Engagement program. This program enables class members in the Heyder-Beattie Class Action settlement to share their experiences, knowledge and/or understanding of sexual misconduct in the DND/CAF workplace and provide ideas on how to achieve lasting culture change. CAF members, however, had indicated that the duty to report posed challenges to the Restorative Engagement Program and meaningful culture change, as it could compel CAF representatives who volunteered to listen, acknowledge and learn from class members' experiences, to report all incidents of wrongdoing brought to their attention, regardless of whether the affected person was ready or wanted to report them. It is recognized that the duty to report all incidents of sexual misconduct is a crucial area for reform. Confidentiality is a critical component of any restorative process. Initial steps have been taken to address the aforementioned concerns that have been brought to the attention of the Minister and DND/CAF by survivors, stakeholders, and other members of the CAF.

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[6] QR&O 1.01 "This publication shall be called the *Queen's Regulations and Orders for the Canadian Forces* and may be cited as QR&O" will be amended in due course to KR&O.

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DIVULGUÉ EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

On May 25, 2022, the Minister approved an amendment to the Queen's Regulations and Orders for the Canadian Forces (QR&O) to create an exception to the duty to report regulations in the context of the over 5,000 class members in the current restorative engagement program or any future DND/CAF restorative engagement program. This amendment does not limit a class member's ability to report their own experiences of sexual misconduct. However, it removes the legal obligation of CAF members to report in the context of restorative engagement.

This is an important step in our efforts to restore relationships with members of the institution who have been harmed by sexual assault, sexual harassment or discrimination based on sex, gender, gender identity or sexual orientation. It is also a step towards addressing concerns relating to the duty to report identified by Madame Arbour in the final IECR.

IECR Recommendation 11 states that Article 5 of DAOD 9005-1 Sexual Misconduct Response, which deals with the reporting of sexual misconduct by CAF members, should be removed and QR&O 4.02 (for Officers) and 5.01 (for NCMs), the sections outlining general responsibilities of CAF members including the duty to report, should be amended to exempt sexual misconduct from its application. Further, it states that consideration should be given to abolishing the duty to report for all infractions under the *Code of Service Discipline*.

QR&O 4.02 (for Officers) and 5.01 (for NCMs)
In accordance with QR&O article 4.02, General Responsibilities of Officers, and QR&O article 5.01, General Responsibilities of Non-Commissioned Members, all CAF members have a duty to report to the proper authority any infringement of the pertinent statutes, regulations, rules, orders and instructions governing the conduct of any person subject to the *Code of Service Discipline*.

The Code of Service Discipline
The *Code of Service Discipline* is the section *National Defence Act* that codifies the behaviour of persons subject to it for the purpose of maintaining discipline, efficiency and morale of the Canadian Forces.

In response to this recommendation, IR3 Recommendation 70, and the Minister's direction, DND/CAF will task the Duty to Report Working Group to develop a draft policy framework to exempt sexual misconduct-related offences from the duty to report. Subsequent revisions to DAOD 9005-1 Sexual Misconduct Response (which provides a more thorough interpretation of duty to report obligations as they exist in regulation) will also be made, while examining options with respect to broader duty to report exemptions.

Sexual Misconduct Response Centre

Improving and Clarifying Supports for Survivors

DND/CAF is fully committed to creating a workplace where all CAF members and DND employees can feel supported and respected. To this end, new entities have been set up to provide strengthened support to survivors of sexual misconduct, and to coordinate broader culture change efforts to prevent such misconduct.

One such entity is the SMRC. It was established within DND in September 2015 in response to recommendations by Madame Deschamps' External Review into Sexual Misconduct and Sexual Harassment in the CAF.

Currently, the SMRC provides the following support services, among other things:

- A 24/7 Response and Support Line, where those affected by military sexual misconduct can reach an SMRC Counsellor toll-free 24 hours a day, 7 days a week, and receive bilingual and confidential support, as well as information and referrals from experienced public service counsellors;
- Response and support coordinators that can provide remote and in-person support and assistance, on matters ranging from case coordination, advocacy, accompaniment, assistance with workplace arrangements and other practical matters;

RELEASED UNDER THE ATIA – UNCLASSIFIED INFORMATION
DIVULGUÉ EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

- A contribution program, funded until the end of fiscal year 2022-23, that seeks to address gaps in support for the CAF community by enhancing access to survivor support services through project funding opportunities from civilian sexual assault centres located near nine of the largest CAF bases;
- A training and education team which provides advice on education and training related to sexual misconduct in the CAF, and develops content to target specific issues or audiences.

In recent years, the SMRC has expanded its services. In August 2021, SMRC services were expanded to former CAF members and DND employees. Its Response and Support Coordination (RSC) program was expanded beyond the National Capital Region (Ottawa/Gatineau) to Nunavut, Québec and Pacific (British Columbia and Yukon) regions earlier this year. During the fiscal year 2022-23, the SMRC will continue to expand the RSC program to all regions across Canada.

In October, 2022, the Sexual Misconduct Response Centre (SMRC) launched its new **Community Support for Sexual Misconduct Survivors Grant Program**. This program will replace the existing Sexual Assault Centre Contribution Program when it concludes in 2023. With investments of $10 million over five years from Budget 2021, this grant program broadens funding requirements and offers greater flexibility for not-for-profit Canadian, community-based organizations with the capacity and expertise to support people affected by sexual misconduct in the wider Defence community.

The SMRC's Name, Role and Function

In **IECR Recommendation 12***, Madame Arbour calls for the SMRC's name to be changed to the Sexual Misconduct Resource Centre to better reflect its role as a support centre. Madame Arbour states that the SMRC's role is not well understood, and that its current name suggests that it is a reporting centre for sexual misconduct. Following the Minister's direction to DND to implement this recommendation in a manner that better describes the scope of programs that SMRC offers and reflects stakeholder discussions on this matter, work is well underway to change the name of this entity to the Sexual Misconduct Support and Resource Centre. Indeed, the name change has recently been approved by DND and the new name will be in place by the end of 2022.

While its focus remains on providing victim and survivor supportive services, SMRC's mandate has expanded in response to several external reports. In **IECR Recommendation 13*** Madame Arbour advised that the SMRC should be reinforced as primarily a resource centre, with adequate expertise and capacity, solely for complainants, victims and survivors of sexual misconduct. The Minister accepted this recommendation earlier this year, and DND/CAF is moving forward on reviewing the mandate and client scope of the SMRC as the first step of its implementation.

To better offer a full suite of supports to victims, in **IECR Recommendation 14***, Madame Arbour endorsed IR3 recommendation 72 that the SMRC should ensure it can facilitate immediate access to legal assistance to victims of sexual misconduct. It also states that the SMRC should compile a roster of civilian lawyers able to provide such services and ensure that they are properly trained to do so, and that the SMRC should also prepare a schedule of fees for such services, as well as direct payment to the lawyers.

DND is making progress on this front. The SMRC is developing an Independent Legal Assistance program that will provide legal information, advice and representation to victims of sexual misconduct in both the military and civilian criminal justice systems. The program will be launched in phases to address immediate needs, while the final program model is developed. Work on the interim model, which will involve the reimbursement of legal expenses, via ex gratia payments, and hiring internal legal resources, is well underway and expected to be available in early 2023.

To focus the SMRC on its victim support mandate, Madame Arbour recommended that the ownership of training and prevention of sexual misconduct should be transferred to the Chief Professional Conduct and Culture (CPCC) (**IECR Recommendation 15***).

RELEASED UNDER THE ATIA – UNCLASSIFIED INFORMATION
DIVULGUÉ EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

Established in April 2021, the CPCC works to unify and integrate all associated culture change activities across DND/CAF. It is the centre of expertise and single, functional authority for aligning Defence culture to ensure professional conduct meets the standards expected of the profession of arms and the Defence Team.

Since its establishment, it has:

- Engaged with over 9,000 Defence Team members to listen and learn from their lived experiences and expertise ;
- Initiated a thorough and comprehensive review of the approach to basic training at the Canadian Forces Leadership and Recruit School (CFLRS);
- Started the development of a conduct and culture training and education framework, which will enhance education and awareness programs, related to conduct and culture;
- Initiated the expansion of leadership support teams as well as coaching and unit command climate assessments;
- Published a Respondent Reintegration Framework to provide guidance to leaders at all levels for the reintegration of a CAF member who is subject to allegations, investigations or findings related to a conduct deficiency;
- Published an Initiating Directive to incorporate the measurement and evaluation of inclusive behaviours within existing Defence Team personnel performance and management frameworks; and
- Begun transforming the complaints process and subsequent IT system to ensure that DND/CAF has clear and simplified reporting mechanisms in place that enables a timely, survivor-centred complaints process that affected persons can trust.

In line with Madam Arbour's recommendation and the Minister's direction, work to transfer the SMRC's authority for sexual misconduct training and education to the CPCC is already underway and will be formalized in a service level agreement.

Similarly, in **IECR Recommendation 16**, Madame Arbour advances that the monitoring of the CAF's effectiveness in responding to sexual misconduct should be removed from the SMRC's mandate. Instead, she argues that SMRC should be required to refer concerns in that regard to the Assistant Deputy Minister (Review Services) (ADM(RS)) stating that the SMRC should be empowered to direct the ADM(RS) to conduct an administrative investigation into matters relevant to its mandate. The Minister has directed DND to accept this recommendation, and the SMRC is currently working with ADM(RS) to determine which mechanisms would best deliver on this recommendation.

Madame Arbour also discusses the independence of the SMRC in her report. She concludes that the current reporting structure – wherein the SMRC reports directly to the Deputy Minister of National Defence (DM) – strikes the appropriate balance that enables the SMRC to be an independent body for victim support services, while ensuring that it is able to access the information and resources necessary to resolve issues (**IECR Recommendation 17***). In line with this recommendation, and the Minister's direction, the SMRC will continue to report directly to the DM.

At the same time, however, Madame Arbour calls for a review of SMRC's administrative structure in order to increase its independence, perceived and structural within the Defence Team (**IECR Recommendation 18***). Ensuring that victims have confidence in the SMRC's independence from the chain of command is critical to its ability to effectively offer its support services. In **IECR Recommendation 19**, Madame Arbour also calls for a review of the SMRC's External Advisory Council (EAC), which provides SMRC with external expert advice and information on sexual misconduct. These recommendations have been accepted and the SMRC is in the process of implementing them in accordance with the Minister's direction.

IECR Recommendation 27 reaffirms that the CAF should fully implement recommendations as described in the Deschamps Report on training related to sexual offences and harassment.

RELEASED UNDER THE ATIA – UNCLASSIFIED INFORMATION
DIVULGUÉE EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

For context, the 2015 ERA Deschamps report recommended that DND/CAF assign to "the center" (which would later become the SMRC), responsibility for the development of training curriculum, and for monitoring training on matters related to inappropriate sexual conduct.

Presently, the CPCC and SMRC (which was established in response to another one of Madame Deschamps' ERA recommendations) share responsibility for CAF training and education on sexual misconduct, with both organizations responsible for aspects of monitoring the implementation and effectiveness of policy and training in the CAF.

In light of the Minister's direction to implement Madame Arbour's **IECR Recommendation 15*** (see above), the CPCC will become the functional authority for training, and therefore Madame Deschamps' ERA Recommendation 10 on CAF training related to sexual offences and harassment is now superseded. DND/CAF will work to implement the aspects of **IECR Recommendation 27** that remain extant. Training is a key prevention tool for misconduct and DND/CAF are undertaking reviews of relevant serials to ensure that programs have a focus on inclusivity and on enriching character.

Improving Recruitment Processes and Basic Training

At the core of Canada's military are its people. Given the global security challenges facing Canada and its allies, more Canadians are needed to serve in the Canadian Armed Forces. Accordingly, the Canadian Armed Forces are prioritizing reconstitution, which includes recruiting, training, and retention.

In her report, Madame Arbour states that a holistic, system-wide effort is needed to increase the recruitment and long-term retention of properly-trained members with strong principles, ethics, and potential. Further, she notes that shortening CAF's onboarding process would have the effect of creating more leeway for observation and, if necessary, early release, through conditional offers of employment or a formal probation period.

As such, **IECR Recommendation 20*** states that the CAF should restructure and simplify its recruitment, enrolment and basic training processes in order to significantly shorten the recruitment phase and create a probationary period in which a complete assessment of the candidates can be performed, and early release effected, if necessary.

It is imperative to immediately and aggressively improve recruiting and basic training processes. Various elements of Madame Arbour's **IECR Recommendation 20*** are addressed in the CDS/D Directive for CAF Reconstitution, which was issued on 6 October 6, 2022 following the CDS planning directive issued July 9, 2021. The Directive identifies personnel generation as an immediate strategic priority. It also includes reducing staffing processes as another immediate strategic priority. It directs the VCDS to analyze and invest in means to improve and accelerate security clearance assessments for DND/CAF, especially in support of CAF recruiting efforts, as a third immediate strategic priority. The Chief of Military Personnel (CMP) is directed to undertake a range of additional efforts to improve and expedite recruitment and training processes.

At Armed Forces Council (AFC) in December 2021 and March 2022, commitments were made to accelerate recruiting and training modernization efforts. Since the Minister's acceptance of **IECR Recommendation 20*** in May 2022, and the issuance of the CDS/DM Directive for CAF Reconstitution, the following actions have been taken, or will soon be undertaken, to simplify and improve the CAF's recruitment and basic training processes:

- Basic military training (the Basic Military Qualification (BMQ)) is being re-designed to build inclusive teams with a focus on character, professional conduct (values in action), individual and team resilience, and core/common military skills. As part of the re-design process, scheduling efficiencies and training delivery improvements will result in the BMQ course being shortened to 8 weeks from the current 10 week model. Three validation serials (two English and one French) are due to commence in early 2023, with full roll-out commencing in Spring 2023;
- This summer, the CAF established the Recruiting Modernization Implementation Team (ReMIT), which will deliver on a digital applicant portal and IT infrastructure, to redesign and refine medical and security

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DIVULGUÉ EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

screening processes to reduce bottlenecks, adapt aptitude testing to relieve internal pressures on the recruiting establishment and ensure a candidate-centric approach. To help facilitate the process, ReMIT will also explore civilianizing limited, non-military specific tasks (relevant to **IECR Recommendation 21*** below);
- The CAF is continuing to improve its suite of scientifically validated assessment tools, with a number of research projects in their final stages, and with improvements to suitability testing rolling out over the next 12 to 24 months; and
- Efforts to digitize the management and oversight of personnel in training (pre-occupational functional point) and to explore expedited pathways to employment within occupations are also being explored by a team of subject matter experts.

The CAF will continue to work towards recruiting and training modernization with urgency, and with a view to meeting the intended effect of **IECR Recommendation 20***, while ensuring that there is sufficient onboarding capacity to meet strategic intake requirements and employment equity targets.

As Madame Arbour states, these efforts are needed not only to increase recruitment, but also to support the long-term retention of properly-trained members. To this end, and relatedly, on October 6, 2022, CAF released its Retention Strategy, which aims to keep exceptional individuals in uniform, address dissatisfiers, and remove barriers.

Creating a probationary period (as **IECR Recommendation 20*** also calls for) will require legislative change and will take time. Tools within existing regulation and policy to effect early release when problematic behaviours are detected will continue to be used, while we concurrently work to undertake the necessary legislative changes relating to the creation of a probationary period.

To further improve recruitment, enrolment and basic training processes, **IECR Recommendation 21*** states that the CAF should outsource some recruitment functions, so as to reduce the burden on CAF recruiters, while also increasing the professional competence of recruiters.

Madame Arbour states that outsourcing administrative recruitment functions to civilians in DND or external competencies would have the advantage of freeing those personnel currently in the recruiting function for operational duties, helping to fill the shortages that currently exist elsewhere. She also states that hiring recruiters with existing experience, and the civilianization of the recruiting function, would enable those employed to stay in their positions for longer and gain long-term experience in the role, thus increasing the competency of recruiters.

The Minister has directed DND/CAF to implement this recommendation. Outsourcing select recruiting functions is deemed both urgent and essential to CAF Reconstitution. As a result, work on a comprehensive contracting strategy to support recruiting and training modernization has commenced, and intends to scale up these efforts throughout FY 22/23 and into FY 23/24 and beyond.

Efforts to improve the professional competence of recruiters have also begun with the updating of the Recruiting Indoctrination Course for new recruiters, an annualized professional development plan, and better screening processes for selecting recruiters. As part of the new professional development plan, over 200 members (approximately one third) of the Canadian Forces Recruiting Group (CFRG) staff participated in contracted Diversity & Inclusion training this year, finalizing options for additional training sessions scheduled for January and February 2023.

Ensuring obligations with respect to sexual misconduct are understood early on by refining recruitment screening test processes

Madame Arbour also states, in **IECR Recommendation 22***, that the CAF should put new processes in place to ensure that problematic attitudes on cultural and gender-based issues are both assessed and appropriately dealt with at an early stage, either pre- or post-recruitment.

RELEASED UNDER THE ATIA – UNCLASSIFIED INFORMATION
DIVULGUÉ EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

She states that delivery of this recommendation would help ensure CAF members understand their obligations with respect to sexual misconduct early on, and that it would help to reduce the CAF's investment in unsuitable members. The Minister has directed DND/CAF to continue to advance work – and undertake new work – to enhance screening and assessments for this reason, among others. The work includes:

- Research, is underway to determine the most appropriate suite of screening tools to satisfy **IECR Recommendation 22*.** Suitability screening includes aptitude testing (with elements of testing scientifically developed and validated for right-fit, cognitive, personality, and character determinations), interviews, and supplementary screening (including tattoo and body adornment screening);
- A symbology dataset has been created and will be continually updated, in consultation with, or outsourced to, external experts, to increase CAF recruiters' awareness of extremist, racist, discriminatory, hateful conduct, or other unacceptable attitudes that are displayed through applicant tattoos and body adornments;
- The Canadian Defence Academy (CDA) is implementing measures to address failures in conduct and values as a performance deficiency that will enable commandants of the military colleges to exercise release authority and effect earlier release for problematic behaviours.

Military Training and Professional Military Education

The CAF delivers training to its members in over 100 trades and occupations. High quality training and professional development is essential for instilling all members with professional skills and values. Leader development begins with basic military training and is amplified and advanced over the course of a career through professional military education.

Madame Arbour's IECR contains a series of recommendations to improve military training and professional military education with the intended effect of preparing the leaders of today and tomorrow to deliver institutional and operational excellence.

IECR Recommendation 23 states that the CAF should equip all training schools with the best possible people and instructors. Specifically, it states that the CAF should:

- Prioritize postings to training units, especially training directed at new recruits and naval/officer cadets;
- Incentivize and reward roles as CFLRS instructors, and other key instructor and training unit positions throughout the CAF, as well as the completion of instructor training, whether through pay incentives, accelerated promotions, agreement for future posting priority, or other effective means;
- Address the current disincentives for these postings, such as penalties, whether real or perceived, for out-of-regiment postings during promotion and posting decisions; and
- Ensure appropriate screening of qualified instructors, both for competence and character.

The CAF continues to further incentivize and reward instructors and recruiters.

Prioritizing Postings to Training Establishments:

In December 2021, the CDS directed that the CFLRS be staffed to 100% in 2022. In October 2022, the CDS/DM Directive for CAF Reconstitution directed that the Canadian Forces Recruiting Group (CFRG), CFLRS, and the Canadian Military Colleges (CMC) immediately be staffed to 100% of their approved strengths in 2022/23.

As of December, CFLRS and CFRG regular force positions were 96% filled. This is a significant step, and additional steps will continue to increase this fill rate and the fill rates at other institutions year over year.

Incentivizing and Rewarding Instructors

DND/CAF will work to ensure that exemplary instructors at CFLRS will be awarded points at promotion boards, similar to their counterparts in the CFRG and commensurate with points awarded for operational deployments. A working group has been set up to operationalize these measures.

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DIVULGUÉ EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

Other incentives, such as pay and allowances, geographic mitigations, future posting priority and other means will also be explored by the aforementioned working group.

Addressing Disincentives

To address employment disincentives, a command-led commitment will be adopted and disseminated to clearly communicate the value and importance of sending the best, right-fit instructors to serve at training establishments.

Ensuring Appropriate Screening

In FY 22/23, new screening measures were adopted to align instructor screening mechanisms for CFLRS with recruiter screening mechanisms employed by CFRG. As mentioned above, these include an application form, chain of command character and competence references, a structured interview, and tattoo screening.

Screening measures will continue to be refined over the Fall/Winter of 22/23, with the goal of not only stabilizing staffing at CFLRS at 100% year over year, but also to improve representation and diversity amongst instructors, particularly at entry-level training establishments.

Madame Arbour also states that the CAF must develop a better process relating to trainees and instructors who demonstrate toxic views and attitudes. To this end, **IECR Recommendation 24** recommends that the CAF assesses the advantages and disadvantages of forming a new trainer/educator/instructor occupation within the CAF, or a specialty within one of the human resources-related occupations, in order to create a permanent cadre of skilled and professional educators and trainers.

In response to this recommendation and at the Minister's direction, the CAF will evaluate the feasibility, advantages and disadvantages of forming a new trainer/educator instructor occupation or specialty that would support the professionalism of the current instructor cadre drawn from, and necessary for, instruction within our over 100 unique trades and occupations.

IECR Recommendation 25 states that the CAF should develop and implement a process for expedited, early release of probationary trainees at basic and early training schools, including the CFLRS and military colleges, who display a clear inability to meet the ethical and cultural expectations of the CAF.

The near term activities to support improvements to early screening and assessment during recruiting and training (including the revised and shortened basic military training course), as well as expedited release when necessary, will achieve the intent of this recommendation, in the short term. These activities will, in turn, lay the foundation for the implementation of a probationary period, which the Minister has directed DND/CAF to pursue.

External Secondments

Madame Arbour states that external secondments allow CAF members to acquire skills and a deeper understanding of business or government, which are applied throughout the rest of their career. She goes on to state that these members would have the opportunity to achieve a wider, more balanced perspective, gained from a new and different environment. This forms the basis of **IECR Recommendation 26**, which articulates that the CAF should increase the number of opportunities for CAF members, particularly at the senior leadership and GOFO levels, to be seconded to the private sector, and to other government departments.

DND/CAF agrees that external secondments present unique opportunities for members of the CAF and the institution writ-large. At present, a Secondment List (SECLIST) within the VCDS Group is used to manage existing secondments. A refresh of the existing SECLIST, and of existing and potential external secondments/postings will be explored, in line with this recommendation and the Minister's direction.

Specifically, DND/CAF will work to refresh the existing 1993 Secondment policy, as well as evaluate and validate the current SECLIST in a manner that is aligned with the policy refresh, while identifying any requirements for organization and establishment realignment or growth.

RELEASED UNDER THE ATIA – UNCLASSIFIED INFORMATION
DIVULGUÉE EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

Once this evaluation is completed, DND/CAF will engage with identified other government departments, academia, and private sector entities, and implement evaluated opportunities in a manner that considers the constraints of CAF reconstitution, and ongoing tensions between force structure, DND/CAF internal requirements, requests from Allies, and available growth.

While General Officers and Flag Officers (GOFOs) can benefit from these secondments, opportunities for more junior officers will also be explored to contribute to their professional development of a more diverse and experienced senior officer cadre.

Military Colleges

Canada's two military colleges (RMC Kingston and CMR St Jean) reflect a history dating back to the late 19th century when the first school was established to meet the science and engineering requirement for Canada's newly established permanent force. Today's Canadian Military Colleges (CMC) are national universities for education and developing leaders committed to the service of Canada. To achieve these goals, the demands of a CMC education go beyond academic achievement. Cadets' education and training is based on four inter-locking pillars: academics, military training, physical fitness, and bilingualism. The education and military experience within the CMCs provides cadets with professional and intellectual skills necessary to assume the responsibilities and meet the demands of leadership in today's rapidly changing world as an officer in the CAF.

However, the Minister of National Defence and DND/CAF recognize that the culture in these institutions must fundamentally change.

In the IECR, Madame Arbour states that the existing model of early leadership development at military colleges needs to be critically re-examined, and she expresses a wide range of concerns relating to the sexual misconduct that has taken root in the culture of these colleges.

This is the genesis of **IECR Recommendation 28** which states that the Cadet Wing responsibility and authority command structure should be eliminated.

As military units, the colleges have the standard military chain of command. The system to which the IECR refers, in Recommendation 28, is the Cadet Wing "chain of command", formally known as the Cadet Chain of Responsibility (CCoR). The CCoR parallels the military chain of command staffed by fulltime military officers and non-commissioned members, and is intended to be a learning space where senior cadets can practice the art of leadership.

As part of the CCoR, certain officer cadets (students) are appointed to positions of peer leadership. The responsibilities associated with these appointments can vary from a single task, to 24 hours, to a week, and up to a semester for sustained leadership growth opportunity.

This is a longstanding practice adopted by all service academies in partner and allied nations, and it is well established within the CAF for groups up to platoon/flight (20-40 personnel). Cadets at CMCs tend to be young adults enrolled in the military, whether in the Regular Force or the Reserve Force. All cadets are mentored by trained officers and senior non-commissioned members when in CCoR mentorship roles, and the CCoR is a primary method by which military training and socialization is achieved at CMCs.

In the past, the CAF has acknowledged and agreed with the very real concerns that have been raised with respect to the CCoR. These concerns predated the IECR and were highlighted in other reports. DND/CAF acknowledges that there continues to be issues associated with the CCoR and is resolute in its commitment to doing better.

The safety and proper supervision, as well as the coaching and mentorship, of cadets remains one of the CMC's most important duties. The respective commandants of the CMCs are especially sensitive to issues stemming

RELEASED UNDER THE ATIA – UNCLASSIFIED INFORMATION
DIVULGUÉ EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

from poor selection, inadequate training, and lack of mentorship. Their attention, and that of their leadership and staff, is heavily seized with this issue, as well as with Madame Arbour's findings.

Some existing steps have already been taken to improve the selection, training, mentorship, and supervision of senior cadets in the CCoR. In particular, work has been undertaken to improve CCoR appointment selection so that it is based on overall performance with a focus on GBA Plus and equity. The completion of the Basic Military Officer Qualification (Part 2) training course, which has been redesigned to be more equitable, diverse and inclusive, is also now mandatory. The amount of after-hours duty staff at CMCs has also doubled. Consideration continues to be given to increase non-commissioned member (NCM) (Petty Officer 2nd Class / Warrant Officer) positions to further increase mentorship and persistent presence, and the Royal Military College (RMC) is also arranging for Master Warrant Officers (MWO) and Chief Warrant Officers (CWO) students of its NCM Executive Professional Development Program (NEPDP) to each be assigned to a squadron of cadets with a view to delivering targeted mentoring and coaching. Further, the CDA will engage with experts, internally and externally, to review the CCoR and its rationale, risks, benefits, cadet experiences (positive and negative), alignment with CAF leader development framework, and ally/partner practices. DND/CAF will continue to identify and deliver meaningful reforms to the CCoR in the near term to ensure that all instructors, staff and officer cadets are aware of, and equipped to fulfill, their responsibility to create a safe and accepting space for all those at Canadian military colleges.

The immediate elimination of the CCoR, however, would deprive cadets of the opportunity that the CCoR program currently provides to them for initial military leadership experience that would otherwise be lacking until they graduate and arrive at operational units as commissioned officers.

As immediate steps will be taken to action **IECR Recommendation 29** (which calls for an external review of CMCs), the Minister has directed that the final implementation approach for this recommendation should be informed and determined by the work of the review panel to be established pursuant to **Recommendation 29**.

When the CAF accepts students into military college, it also accepts the responsibility for contributing positively to their development and ensuring their safety and wellbeing. As a result, in addition to their studies, they live and train within a military lifestyle environment, which includes respect for others, working as part of a team, and exercising leadership responsibilities.

IECR Recommendation 29 contains one primary recommendation, which is to undertake a detailed review of CMCs. It is supplemented by three interim and inter-linked measures that are also recommended. Specifically:

- A combination of Defence Team members and external experts, led by an external education specialist, should conduct a detailed review of the benefits, disadvantages and costs, both for the CAF and more broadly, of continuing to educate ROTP cadets at the military colleges.
    - The review should focus on the quality of education, socialization and military training in that environment.
    - It should also consider and assess the different models for delivering university-level and military leadership training to naval/officer cadets, and determine whether the RMC Kingston and the RMC Saint-Jean should continue as undergraduate degree-granting institutions, or whether officer candidates should be required to attend civilian university undergraduate programs through the ROTP;
- In the interim, the CPCC should engage with the RMC Kingston and the RMC St-Jean authorities to address the long-standing culture concerns unique to the military college environment, including the continuing misogynistic and discriminatory environment and the ongoing incidence of sexual misconduct. Progress should be measured by metrics other than the number of hours of training given to cadets; and
- The Exit Survey of graduating cadets should be adapted to capture cadets' experiences with sexual misconduct or discrimination.

The Minister of National Defence strongly affirms that the culture in these institutions must change significantly. The Minister has therefore directed a review of CMCs. In response to the recommendation, DND/CAF is developing draft Terms of Reference and a recommended set of competencies and qualifications for the

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members who would comprise the CMC Review Board. The terms of reference will be submitted for approval by senior leadership within the department, with work expected to commence in 2023 on the recommended detailed review. DND/CAF has commenced efforts to address both culture concerns and feedback, including expert study and advice of key performance questions, and indicators and metrics derived from current social science. For example, the Royal Military College (RMC) Exit Survey will be replaced with a new CMC-wide survey, both to encompass CMCs and expanded to collect data earlier in the CMC experience.

DND/CAF is committed to the value of military colleges, education, and ensuring that the experience that cadets have at military colleges reflects the Canadian Armed Forces Ethos described in Trusted to Serve. This review will allow DND/CAF to further address specific areas of concern at the colleges.

The Colleges reflect among the best of Canadian society, and will continue to take steps to be more diverse and inclusive. Any changes made in relation to the IECR will be done with consideration not only to how women and men experience them, but will also consider the perspectives and experiences of racialized individuals, Indigenous Peoples, Persons with Disabilities, Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse people in Canada.

Personnel Appraisal and Assessment

The CAF evaluates the performance of its members using a variety of methods. For instance, the Performance and Competency Evaluation (PaCE) is a digital tool that fundamentally modernizes the CAF approach to performance appraisal through a scientifically founded, competency-based appraisal system. The system evaluates the competencies and traits that are required to develop successful CAF leaders, who epitomize CAF values and embrace CAF objectives and strategies. One of the main functions of the PaCE is to record yearly appraisals of members' competencies in their Performance Appraisal Reports (PAR) – a form which grades candidates on how they perform different aspects of their duties.

The PaCE system replaces the Canadian Armed Forces Personnel Appraisal System (CFPAS), which was designed in the late 1990s and uses a paper reporting method. CFPAS also allowed yearly appraisals and feedback to be recorded in individuals' Performance Evaluation Reports (PER) forms, which have since been replaced by the PAR.

The PaCE launched for most CAF members on April 1, 2022. PaCE is built on over a decade of research. It is a significant improvement over the current system in that it includes bias awareness training, score inflation (and deflation) control measures, and forces a more objective method with which to assess potential.

In the IECR, Madame Arbour identifies shortcomings in the PaCE and the PAR that she states could hinder the ability of selection boards to take into account sexual misconduct and other forms of discriminatory attitudes in evaluating CAF members for promotion and leadership roles.

Madame Arbour states that "The competencies and facets which relate to conduct or ethics form a relatively small part of the overall assessment."[7] She goes on to say that the new Performance Appraisal Report (PAR) places too great an emphasis on performance, and not enough on conduct.

Therefore, in **IECR Recommendation 30**, Madame Arbour recommends that a section should be added to the PAR requiring the supervisor to certify that, to their knowledge, the CAF member being appraised is not currently subject to any investigation or proceeding, whether criminal, disciplinary, administrative or otherwise, related to allegations of sexual misconduct. She states that if the supervisor is aware of such an investigation or

[7] *Ibid,* 248

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DIVULGUÉ EN VERTU DE LA LAI – RENSEIGNMENTS NON CLASSIFIÉS

proceeding, they should not reveal its existence if doing so would compromise its integrity. Otherwise, the supervisor should provide all relevant details of the investigation or proceeding.

Establishing greater visibility for selection boards on whether a CAF member is subject to an investigation or proceeding relating to allegations of sexual misconduct, and considering its relevance for career advancement is crucial. The CAF has clearly defined standards for the principles, values and behaviours that it expects its members to embody and exemplify. If meaningful culture change is to be realized, adherence to these standards must be a priority consideration to be taken into account regarding whether or not a member should progress into positions of leadership. However, without processes that ensure past behaviour can be properly taken into consideration, CAF risks elevating individuals who do not embody its values and ethics into positions of leadership.

When investigations have been conducted and procedural fairness has been afforded, achieving this intent is straight forward. In contrast, the inclusion of information related to unconfirmed allegations of misconduct undermines procedural fairness and invites inconsistency in application. Nevertheless, the intended effect of increasing transparency can be achieved through the deferral of promotions and/or appointments until investigations are completed and a full determination of a member's suitability can be made. As such, the Minister has directed the CAF to account for completed investigations related to misconduct in the performance appraisal process, and to ensure that ongoing investigations be dealt with as a factor in the determination of suitability for promotion/appointment. CAF will deliver on this direction.

Madame Arbour also states that a key feature of both the legacy CFPAS and the new PaCE system is that selection boards review only the CFPAS Personnel Evaluation Reports (PER) or PaCE PARs, and do not have access to a CAF member's complete personnel record. In the IECR, she states: "From what I gather, the only opportunity that selection boards currently have to consider conduct issues is through the review of the PER/PAR."[8]

Therefore, in **IECR Recommendation 31**, it is recommended that past misconduct sheets should be prepared for each candidate considered for promotion to the rank of lieutenant-colonel/commander or above, or to the rank of chief warrant officer/chief petty officer 1st class, by an appropriate unit under the CMP. The past misconduct should include anything the CAF deems to be serious misconduct, but should include at a minimum, convictions for Criminal Code sexual offences and findings of sexual harassment. The CAF should also prepare appropriate guidance to selection boards on how to take past misconduct into account as part of their deliberations and decision-making. Finally, the CAF should make appropriate provision in its policy for rehabilitation, including the removal of criminal convictions for which a record suspension has been granted.

The intent of this recommendation is for promotion-selection boards to include deliberation on past misconduct, at a minimum, convictions under the Criminal Code for sexual offences, and findings of sexual harassment.

Presently, extensive due diligence verifications are completed for promotions to or within the GOFO cadre, but these occur outside of the national selection board process over the course of several weeks. Existing policy requires commanding officers to determine suitability for promotion.

The recommendation envisions that CMP is best positioned to execute this task. However, CMP does not have access to unit personnel files, conduct sheets or sexual harassment findings. Furthermore, only the Regular Force is subject to centralized promotion-selection boards. Approximately 1,600 misconduct sheets would need to be prepared and/or refreshed annually for the Regular Force. A separate solution would be required for the Primary Reserves.

[8] *Ibid,* 249

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In order to meet the intent of this recommendation and the Minister's direction in the most resource-efficient manner, the CAF will develop and implement a new document or an improved database to record misconduct throughout a member's career with the sole purpose of informing promotion-selection board deliberations.

As part of its culture change efforts, the CAF has developed a *Respondent Reintegration Framework* to provide guidance to leaders at all levels for the accountable and safe workplace reintegration of a CAF member involved in allegations, investigations and findings related to harmful conduct.

With respect to record suspension, under DAOD-7016-0 which was modified on June 20, 2022, the service records of a CAF member must be amended when a record suspension of a conviction is ordered under the *Criminal Records Act* by the Parole Board of Canada.

General and Flag Officer Selection

The Minister of National Defence and the CDS are committed to a rigorous, merit-based appointment and promotion process that selects leaders who are of strong character and reflect Canada's diversity. This will make the CAF stronger and more effective.

The CAF has worked to modernize and improve its selection processes. In particular, two key initiatives are underway which will improve CAF promotion selection processes: all scoring criteria (SCRIT) are now subject to a GBA Plus review to ensure that criteria do not adversely affect diverse groups within the organization, and national selection boards now feature procedural improvements including bias awareness training and mandating that one voting member be from an equity-seeking group.

The GOFO selection and promotion process has evolved over the past two selection cycles, since Fall 2021, and continues to be refined. The process better incorporates assessment of talent, competence and character. It includes psychometric assessments for leadership skills, cognitive ability, and personality traits; an annual national selection board, including a senior DND civilian voting member; deliberations by Armed Forces Council Executive (AFCX) on GOFO promotion and employment; a proactive disclosure package; and due diligence verifications. At the request of the Minister, promotion candidates participate in a third-party external to DND/CAF interview focuses on their personal experiences, self-awareness, past challenges, failures, and successes.

However, there is more work to be done to realize the goal of an armed forces that reflects the 21st century Canada that it serves.

With a view to improving diversity in the senior ranks of the CAF, **IECR Recommendation 32*** proposes that the Minister should be assisted by a senior civilian advisor, who is not currently a member of DND/CAF, in fulfilling her responsibility in approving GOFO promotions. Furthermore, it recommends that in the Minister's consultation with the CDS, the Minister should examine what efforts are being made to correct the over-representation of white men in GOFO ranks.

The Minister announced in May that she has directed that DND/CAF move forward on this recommendation immediately. As a result, the Defence Team is now developing the role and terms of reference for an external senior civilian advisor on the GOFO selection and promotion process In addition, a 10-year talent spotting plan for women is in development, to be followed by similar initiatives for under-represented groups. The Minister has had numerous discussions with the CDS to address the over-representation of white men in GOFO ranks, and to ensure the composition of GOFOs better reflects the demographic composition of Canada.

Refining and Expanding Evaluation Tools

As noted above, the CAF introduced psychometric assessments to the 2021 GOFO selection boards and 360 degree assessments in the fall of 2021, steps which Madame Arbour notes are significant and much-needed.

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However, she emphasizes the need to continuously scrutinize, re-evaluate and improve these tools to ensure they remain effective and free from bias.

Therefore, **IECR Recommendation 33*** proposes that the new processes for psychometric evaluation and confirmatory 360-degree review should be carefully reviewed by an external expert on an annual basis, with a view to their progressive refinement, and that the results of this annual review should be reported to the Minister.

The Minister also accepted this recommendation in May 2022, and she immediately tasked DND/CAF officials to deliver on it. Implementation efforts are underway. An internal CAF review has been conducted of the promotion year 2022 activities with refinements implemented for promotion year 2023 based on lessons observed and ongoing research carried out by the Director General Military Personnel Research and Analysis (DGMPRA). DND/CAF will also introduce additional external review processes.

In line with the 2021 CDS Directive for Professional Conduct and Culture, **IECR Recommendation 34** recommends that psychometric testing and 360-degree multi-rater assessments should, at a minimum, be expanded to candidates being considered for promotion to the rank of lieutenant-colonel/commander or above, or to the rank of chief warrant officer/chief petty officer 1st class.

This recommendation will be implemented by continuing the CDS directive to introduce an evidence-based framework for assessments of character for all promotion boards and command team appointments at the ranks of major/lieutenant-commander and sergeant/petty officer second class and above, which is broader in scope than the recommendation.

Conduct Self-Certification

Presently, only the GOFO cadre complete a proactive disclosure prior to promotion. The reporting of other factors, including conduct, is captured in other existing personnel appraisal policy. In both the CFPAS and the new PaCE system, all supervisors must identify on the assessment whether a member's conduct was acceptable or unacceptable. If conduct was unacceptable, supervisors must provide detail.

With a view to selecting senior leaders with the character and competencies to lead the institution, Madame Arbour recommends in **IECR Recommendation 35*** that the PaCE system should be modified to include a self-certification requirement on the PAR for those being considered for promotion to the rank of lieutenant-colonel/commander or above, or to the rank of chief warrant officer/chief petty officer 1st class, similar to that already in place for GOFO nominations. The candidate would need to certify that they are not subject to any current or prior investigation or proceeding, whether criminal, disciplinary, administrative or otherwise, related to sexual misconduct; and, if they are, provide all relevant details.

The intent of this recommendation is to increase the understanding of the seriousness of sexual misconduct earlier in a member's career by increasing chain of command awareness of misconduct that may not be documented, and ensure that its relevance to career advancement can be assessed in context, and thus serve as an additional deterrent.

As with Recommendation 30, this is straightforward in situations where the investigation has been concluded; however, the inclusion of untested allegations subject to an ongoing investigation in performance appraisals deprives members of procedural fairness.

IECR Recommendation 35 was accepted in May 2022, and DND/CAF intend to meet its objectives while taking steps to avoid the significant risk associated with implementing it as written. As such, self-certification will be linked to the promotion/appointment selection due-diligence framework and not the annual appraisal process.

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Representation of Women in the GOFO Cadre

Figures cited in the IECR[9] demonstrate the need to do more to meet clear goals for diversity in the military set out in the *CAF Employment Equity Plan 2021 – 2026*, to ensure that Canada's demographic composition is better reflected in this crucial institution.

The IECR Report suggests that the CAF replace the current practice of ensuring that the promotion of women is in line with the current female CAF population, and current ratios of women to men in a given rank, in favour of targets that increase women in each rank above their existing population levels.

As Madame Arbour states in the IECR, the current approach "ignores the importance of female role models in both attracting women to the CAF and improving morale among its female members."[10] The presence of significant numbers of women and gender-diverse persons in decision-making environments helps to counter the self-perpetuating perspective of men, even on issues that may seem inclusive from their perspective.

This leads to **IECR Recommendation 36**, that the CAF establish a system of progressive targets for the promotion of women in order to increase the number of women in each rank, with a view to increasing the proportion of their representation in the GOFO ranks above their level of representation in the overall CAF workforce.

DND/CAF is fully committed to employment equity throughout the organization and eliminating barriers for Women, Racialized Individuals, Indigenous People, Persons with Disabilities and members of the 2SLGBTQI+ communities. In response to this recommendation and the Minister's direction DND/CAF will develop a detailed implementation plan to deliver on it.

The *CAF Employment Equity Plan* has been crafted to increase representation, inclusion, and participation of under-represented groups across all levels of the organization. In addition, the DGMPRA is presently examining how to quantitatively assess the equitability of the promotion system with the aim to provide an equity baseline against which promotion metrics can be accurately measured.

The available data suggests that under-representation of women at senior ranks cannot be attributed to differences in promotion rates alone, and there are several factors that must be considered to achieve the objective of this recommendation:

- *Words matter:* Terminology related to accelerated promotion and call lists that have, in the past, been referred to as "pink lists", perpetuate unhelpful stereotypes and myths related to the promotion of women that simultaneously undermine the merit-based promotion of women and impacts their credibility and self-esteem. The CAF should focus on language that emphasizes the need to remove barriers for women and other under-represented groups while removing the unfair privilege afforded to the dominant culture;
- *Deepening opportunities for advancement:* Some occupations, including many that have historically included more women, do not have a pathway for promotion to the GOFO cadre due to a lack of Captain (Navy)/Colonel employment opportunities. Additionally, there is an over-representation of operational occupations (where women are least represented) at higher ranks as operational command employment has been privileged and, in some cases, is a prerequisite for promotion. While steps are being taken in promotion boards to address this now, further action will be required to overcome these barriers; and
- *Existing legal and regulatory constraints:* Canadian Forces Employment Equity Regulations SOR/2002-421 direct that the promotion of any person in the CAF shall be based on the applicable criteria in the regulations, orders and instructions, which are derived from the NDA.

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[9] *Ibid, 250*
[10] *Ibid,* 255

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With these considerations in mind, **IECR Recommendation 36** provides an opening to consider other opportunities such as:

- Education of DND/CAF, to further understanding of the purpose and actual application of representation measures. This would help to dispel myths and stereotypes, namely, that participants are unqualified or that their selection is inappropriate. There is also an opportunity to educate Defence Team members on bias and unproductive attitude, through engagement that addresses the sentiments uncovered by IECR directly – that for women and under-represented groups more generally, qualifications for employment are over-scrutinized and assumed to be the result of special treatment as opposed to merit; and
- An opportunity to increase the number of female mentors within the CAF and underscore their criticality within the institution.

Achieving the representation goals for Women, Indigenous Peoples, Racialized Individuals, Persons with Disabilities, and 2SLGBTQI+ people is about more than numerical goals and goes beyond treating all members the same: It is about creating and setting the conditions for equitable engagement and participation in the CAF. It is also about fostering programs and policies that support a workplace in which all members have equitable opportunities. **IECR Recommendation 36** informs and supports this work.

On a related note, in April 2022, the Minister of National Defence accepted a report from the Minister's Advisory Panel on Systemic Racism and Discrimination, which was mandated to seek out the policies, processes and practices that enable systemic racism and discrimination in DND/CAF, and to provide advice on how to eliminate them. The organization is working in earnest to address the report's recommendations.

Career Management and Postings

Universality of Service

As stipulated in DAOD 5023-0, the principle of universality of service or the "soldier first" principle holds that CAF members are liable to perform general military duties and common defence and security duties, not just the duties of their military occupation or occupation specification. This may include, but is not limited to, the requirement to meet the CAF Common Military Tasks Fitness Evaluation standards, as well as being employable and deployable for general operational duties. The importance of the principle of universality of service for the CAF is recognized through its inclusion in the CHRA.

In the IECR, Madame Arbour highlights a number of issues associated with the universality of service policy relating specifically to women and victims of sexual misconduct, including:

- That although fitness standards for men and women are equal and research has found that women perform equal to men in military tasks, there exists a misconception that women receive special treatment and are allowed to pass in order to satisfy 'quota requirements;'
- Post-traumatic stress disorder and other trauma-related injuries stemming from sexual misconduct may result in medical release under current definitions of medical employment limitations in the universality of service policy; and
- As per the CAF 2017 Tiger Team Report*: Recruitment of Women in the Canadian Armed Forces*, women are often over-represented in medical temporary and permanent categories, which may lead to their being released in greater numbers than men.

Madame Arbour notes that the CAF is in the process of reviewing the universality of service policy, and in **IECR Recommendation 37** proposes that the CAF apply a GBA Plus lens in its review and update the policy to ensure that women and sexual misconduct victims are treated fairly, taking into account their particular situation and risk factors.

The Minister accepts this recommendation and directs that DND/CAF undertake work to implement it in keeping with the ongoing review of the universality of service policy and its standards. This process is informed by

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evidence-based research and analysis. The CAF will continue policy update research and analysis, including a GBA Plus component specifically focused on this recommendation. It is anticipated that the updated universality of service policy will be ready for release, on schedule, within the next couple of years.

Succession Planning

Career management is centrally-controlled and is focused on the assignment and administration of CAF members to meet shorter-term staffing priorities and professional development opportunities, typically through posting action and or promotions. Working with multiple stakeholders, including the individual CAF members themselves, the career management process strives to place the right person with the right qualifications in the right spot at the right time for the right reasons. In contrast, succession planning is a comprehensive, multi-faceted undertaking that spans a member's entire career, and is the primary responsibility of regiments, corps, branches and services as a member progresses in rank. The succession planning process seeks to align development and employment opportunities across a career so members are employed optimally based on a number of factors including their potential and talent.

In its review of succession planning, the IECR observes that "…policies and practices vary widely across the CAF. While much of what we observed was good practice, in some cases the lack of clear and consistent guidance led to ad hoc processes that were potentially susceptible to personality-driven decisions or bias."[11]

The report goes on to state that only the RCN has a framework in place to deal with sexual misconduct or other conduct issues with respect to the integrity or suitability of senior leadership candidates.

Therefore, **IECR Recommendation 38** proposes that all succession boards should adopt the approach and methodology of the RCN in its 'incident review list' to ensure that concerns are properly captured and brought before boards on a consistent and continuing basis.

It is important to note that the RCN's incident review list does not reflect every individual with previous misconduct, but rather only those officers who have been removed from a command appointment as a result of a conviction, misconduct or poor performance. The Naval Succession Planning Board chose to implement the process to capture decisions for posterity in written form.

The IECR's scope and intent are sufficiently clear: all succession boards require a standardized approach to ensure conduct and performance concerns are deliberated upon at boards in a consistent manner and on a continuous basis. In response to this recommendation, The Minister has directed DND/CAF to develop an implementation plan for a CAF-wide policy framework to achieve its intent.

Implementation of this recommendation should be transparent, provide for procedural fairness, and ensure that personal information collected is maintained in accordance with existing legislation and regulations. The resulting policy will also need to be congruent with The Respondent Reintegration Framework developed by CPCC.

Furthermore, Madame Arbour notes that while GOFO promotion processes now include a civilian member from ADM(HR-Civ), this practice has not been adopted more widely. With a view to introducing insights and ensuring practices are in touch with wider societal norms, **IECR Recommendation 39** proposes that "All succession boards for majors and above and master warrant officer/chief petty officer 2nd class appointment boards should include an independent civilian member from outside the Defence Team."

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[11] *Ibid,* 270

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This recommendation is understood to pertain exclusively to succession planning boards and is distinct from annual promotion-selection boards that now include equity-seeking representation amongst the voting membership.

The Minister accepts this recommendation and has directed the CAF to evaluate options for its implementation. Going forward, the CAF will conduct an options analysis to identify the appropriate mechanism that will ensure the necessary external participation on succession boards. Careful consideration will be given to ensure external groups of retired CAF members are not employed or contracted as an 'independent civilian member'.

Finally, with respect to how succession planning and promotions are applied to women, Madame Arbour notes that in order for women to be adequately represented in the GOFO ranks, relevant succession planning and career management practices should be done in a manner that accounts for direct and indirect discriminatory factors specific to them.

Thus, **IECR Recommendation 40** proposes that "The CAF should prepare a new policy on succession planning based on GBA Plus that ensures women are not subject to directly and indirectly discriminatory practices in succession planning, and that provides appropriate guidance to career managers, succession boards and others involved in succession planning."

The Minister agrees with this recommendation, and wishes that it be viewed through the wider GBA Plus aperture that accounts for various under-represented groups based on individual or intersectional factors (i.e. race, national and ethnic origin, colour, religion, age, sex, sexual orientation, gender identity/expression, and marital/family status).

To this end, the CAF has established a team to review all career policies and procedures through a GBA Plus lens with a view to eliminating barriers for women and other equity-seeking groups. This will include a new overarching policy on succession planning that is aligned with DND/CAF's culture evolution efforts.

Input and Oversight

Internal

The ADM(RS) plays an important role in providing input and oversight into the CAF. It has a mandate to provide the DM and the CDS with independent, objective, and timely assurance services in a number of areas.

Madame Arbour's IECR contains assessments and recommendations that entail establishing oversight and/or review mechanisms related to misconduct. Some of them pertain to the role of the ADM(RS).

The ADM(RS) provides an oversight function through its responsibility to audit, evaluate and review programs, including those that relate to culture and leadership changes within the DND and the CAF. The ADM(RS) also plays an important role conducting administrative investigations.

In accordance with DAOD 7026-1 Management of Administrative Investigations, ADM(RS) is responsible for assisting DND senior managers and CAF commanders in meeting their mandates by conducting administrative investigations into allegations or instances of administrative irregularities, impropriety, mismanagement, and other irregularities in the DND and the CAF. ADM(RS) administrative investigations are carried out independently of the chain of command.

In the case of relevant administrative investigations conducted by the ADM(RS), Madame Arbour states that accountability would be increased if the Minister of National Defence were to be briefed by the ADM(RS) directly on all investigations related to sexual harassment, sexual misconduct and leadership culture in DND/CAF. She

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states that this would support the Minister's function in overseeing ongoing systemic deficiencies and efforts to correct them.

This is the basis of **IECR Recommendation 41***, which is as follows: The Minister should be briefed by the ADM(RS) directly on all investigations related to sexual harassment, sexual misconduct and leadership culture in DND/CAF.

In line with this recommendation and the Minister's direction to DND/CAF to deliver on it, work is well underway to achieve this recommendation, with the goal of providing the first bi-annual presentation to the Minister of National Defence by the end of Fiscal Year 22/23.

Indeed, the ADM(RS) is now prepared to brief individually on investigations conducted under the ADM(RS) mandate and/or participate in integrated briefing(s) with key stakeholders on all investigative matters related to sexual harassment, sexual misconduct, and leadership culture in DND/CAF. Briefings will advise the Minister of the following: all new investigations for general/situational awareness, departmental risk(s) of new or ongoing investigations, and the content of the report on completed investigations.

The ADM(RS), in accordance with the *Public Servants Disclosure Process Act* (PSDPA), is responsible for:

- Directing the development and implementation of internal procedures for the intake, assessment and investigation of disclosures of wrongdoing;
- Ensuring that obligations under the PSDPA for DND public service employees and the Canadian Armed Forces Disclosure Process (CAF DP), developed in accordance with s.52 of the Act, are fulfilled;
- Making founded disclosures of wrongdoing publicly available to satisfy the legislative obligation found as s.11 (1) (c) of the PSDPA, by placing information on the ADM(RS) 'Founded Wrongdoing' webpage; and
- Ensuring that service standards are in place to promote transparency and accountability.

On behalf of the DM and CDS, ADM(RS) prepares and submits to the Treasury Board Secretariat, at the end of each financial year dating 1 April and 31 March (inclusive), an annual report of the disclosure of wrongdoings made by DND employees and CAF members under the PSDPA or CAF DP during that financial year.

Madame Arbour recommends the following in **IECR Recommendation 42*** to further improve accountability and oversight: the ADM(RS) should report annually to the Minister on statistics and activities related to investigations under the DAOD 7026-1, in line with what is required under the PSDPA.

In line with this recommendation and following the Minister's direction to DND/CAF to deliver on it, the ADM(RS) will provide an annual report based on the current PSDPA, in accordance with DOAD 7026-1. The reporting period will be synchronized with the Government of Canada Fiscal Year calendar, 1 April to 31 March (inclusive), which aligns with the current submission of annual reporting on PSDPA and CAF DP statutory reporting. The target for this report to the CDS, DM and MND is June 2023. Additionally, CAF DP statutory reporting and additional information related to administrative reviews will be provided to the MND.

Madame Arbour also states that institutionalized close cooperation should be prioritized between the ADM(RS) and the SMRC so that the SMRC can alert the ADM(RS) of systemic or specific case concerns that the ADM(RS) is suitably equipped to investigate. To that end, **IECR Recommendation 43** is as follows: the Executive Director, SMRC should be able to direct independently the ADM(RS) to conduct an administrative investigation into matters relevant to the SMRC's mandate.

In line with this recommendation and following the Minister's direction to deliver on it, work is underway to establish a process that will allow the SMRC independently to refer investigative matters that are relevant to SMRC's mandate to ADM(RS). This process will include establishing specific criteria for such referrals, and the necessary protocols to facilitate referrals based on the nature of the issues. This work will continue. Whenever necessary, the DM will also direct ADM(RS) to undertake investigations.

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Although ADM(RS) is the responsible authority for audits, evaluations, and independent administrative investigations for the organization, the SMRC holds expertise in sexual misconduct that is beneficial to complete a robust review of such matters. As part of implementing this recommendation, consideration will also be given to how the SMRC can support such activities in both a referral and advisory capacity.

Governor-in-Council Appointments

The Privy Council Office (PCO) plays a crucial role in the selection process for key appointments to DND/CAF, including the CDS, and the JAG.

Specifically, the process to appoint the CDS is managed by PCO on behalf of the Prime Minister from start to finish. While the selection process to appoint the JAG is managed within DND, completed files are sent to PCO for due diligence and Government-in-Council (GIC) appointment processing.

As part of this appointment process, due diligence on shortlisted candidates for key positions is conducted and includes reference checks, a psychometric assessment, background and security checks, and, for some, polygraphic analysis.

Madame Arbour states that PCO's responsibilities relating to the administering of several processes for DND/CAF GIC appointees "provides a unique opportunity to ensure meaningful civilian input into the selection, evaluation and investigation of senior leadership in the defence portfolio."[12] She also states that PCO "plays a critical role in the implementation of regulations, including those relevant to the defence landscape."[13]

With respect to the background checks that PCO conducts for leadership positions, such as the CDS, Madame Arbour articulates the importance of ensuring that PCO is provided with more information from DND/CAF to support the process. Madame Arbour states in **IECR Recommendation 44**, in the case of GIC appointees, such as the CDS and the JAG (who must be members of the CAF at the time of their appointment), consideration should be given to removing any legal impediments – such as privacy concerns – that preclude access by the PCO to personnel files in the CAF, including conduct sheets.

In response to this recommendation, candidate's consent will be sought in the context of selection processes, permitting access by the PCO to relevant information in personnel files in the CAF. DND/CAF information could further support selection processes.

The Media and External Academics

The media, external experts and Canadians across the country will continue to play a crucial role in highlighting culture change issues and in advocating for change.

DND/CAF recognizes the importance of working in partnership with academia and other experts on defence policy challenges, including culture change. One such initiative, which Madame Arbour highlights in the IECR, is the Collaborative Networks program which, through the Mobilizing Insights in Defence and Security (MINDS) initiative, fosters networks of multi-disciplinary experts working on defence policy challenges.

The Mobilizing Insights in Defence and Security (MINDS) program, established in 2019, offers a variety of unique tools the Defence Team can use to engage with external experts to access high calibre, relevant and timely research and expertise, enabling a diversity of viewpoints and well-rounded advice reflected in DND/CAF policies. Those tools include one-time engagements through the Expert Briefing Series; ongoing collaboration and engagement through Collaborative Networks; grants for distinct research projects; and scholarships for young and emerging Defence scholars.

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[12] *Ibid.* p. 292
[13] *Ibid.*

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Madame Arbour states that Collaborative Networks is a positive example of members of DND/CAF, and specifically the SMRC, benefiting from the informed assessment of external experts. She also states that scientists and subject matter experts working inside DND/CAF – Defence Research and Development Canada (DRDC), the DGMPRA, the CDA and others – should increase their collaboration with external experts.

Madame Arbour is of the view that their work and other internal research should be made available online, subject to proper security controls. She states that this has the added benefit of ensuring that external researchers do not duplicate research already done internally. Indeed, this example of external collaboration is one that Madame Arbour feels should be further enabled through increased transparency and accessibility of data.

This forms the basis of **IECR Recommendation #45*** which states the following: The CPCC should host a public online database for all internal Defence Team research and policies relating to sexual harassment and misconduct, gender, sexual orientation, race, diversity and inclusion, and culture change. If a document cannot be made public for security reasons or otherwise, it should still be listed in the database to facilitate access by persons with the requisite clearance or approval.

In line with this recommendation and following the Minister's direction, DND/CAF is working to execute on this recommendation. Currently, work underway to review existing research and policy products, and to prepare them for online publication. CPCC is working to create an initial capability within Fiscal Year 2022/23, with the goal of ensuring that all existing policies be accessible for the CPCC web portal. Approximately 80 publications have already been identified to be made available online within Fiscal Year 2022/23.

It is important to note that DRDC currently maintains an online, publicly accessible database for Defence research reports published by, and for, DRDC. However, this database is not currently organized in a manner that explicitly facilitates access to the research products focused on the areas identified in IECR Recommendation 45. DRDC is currently undertaking work to enhance access and usability of its database, and the intent is for CPCC to contribute to this ongoing work to ensure that the documentation can be made more readily available to areas of research identified in this recommendation.

In related work, DND/CAF recently started developing a publicly accessible data dashboard supported by funding for culture change initiatives from Budget 2022. This public-facing dashboard will:

- Report on progress of key initiatives related to sexual misconduct, harassment, discrimination, and culture change;
- Facilitate information sharing; and,
- Provide access to relevant research.

This new initiative will help lay the groundwork for the implementation of IECR recommendation 45, and will further enhance transparency/accountability.

Madame Arbour also raises concerns relating to policies that may inhibit the full participation of the CAF in social science research. She highlights DAOD 5062-1, in which detailed procedures that must be followed in social science research are set out in the Social Science Review standard operating procedures.

Within this DAOD, QR&Os related to improper comments (19.14), disclosure of information or opinion (19.36), permission to communicate information (19.37), and communications with other government departments (19.38) may limit CAF members' ability to speak openly without facing disciplinary action. To facilitate this participation, IECR Recommendation 46 states that with input from the academic community, the QR&O listed at article 5.2 of the DAOD 5062-1 should be reviewed and revised as necessary to facilitate research.

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Madame Arbour also notes that social science research about the DND and the CAF must first be approved by way of a rigorous multi-step process managed by the DGMPRA, by way of the Social Science Research Review Board (SSRRB). To streamline this approach, she further suggests in **IECR Recommendation 46** that:

- In addition, the CAF should consider waiving the SSRRB ethics review of an external proposal that has already been approved by the Research Ethics Board of an academic institution.

The Minister has directed the CAF to implement this recommendation. DAOD 5062 is currently undergoing a review, and options are being sought to address the QR&O portion of Recommendation 46 as part of this review. As these QR&Os apply CAF-wide, in the short term, the CDS is considering granting permission for CAF members to participate in research anonymously or to be authorized to communicate while participating in research, for the purposes of QR&O articles 19.36 and 19.38.

University Research Ethics Boards and SSRRB are both governed by the Tri-council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS 2). An SSRRB review is not limited to an ethics review, but also ensures compliance with DND/CAF requirements that fall outside the purview of an external Research Ethics Board (REB). In consultation with the academic community, the SSRRB will design a hybrid approach to streamline the review process and facilitate external research, while respecting the departmental requirements and the TCPS 2. This streamlined approach based on TCPS 2 will facilitate external research and achieve the intended outcome of this recommendation.

Driving Implementation through Accountability

Since Madame Arbour's report was released on May 30, 2022, DND/CAF has been assessing the feasibility of moving forward on her recommendations. To ensure that DND/CAF expediently receives the Minister's direction to prioritize policies for implementation, Madame Arbour calls for the Minister of National Defence to inform Parliament before the end of 2022 on recommendations in this report that she does not intend to implement **(IECR Recommendation 47*).**

Parliamentary debate informs and improves the quality of Government of Canada policies. This has been the case on culture change topics and sexual misconduct as well. Recent studies by the Standing Committee on National Defence and the Standing Committee on the Status of Women on sexual misconduct have led to substantial recommendations that have informed ongoing government efforts on these issues. Reports to Parliament are a critical accountability mechanism that enable transparency, and inform debate on issues that matter to Canadians. Tabling this document in Parliament provides Canadians with the opportunity to see the work that has been accomplished, as well as the work that is ongoing, and fulfills the Minister's commitment to implementing **IECR Recommendation 47**.

The IECR is the latest in a series of external independent reviews that have produced substantial recommendations around culture change.

The challenges associated with unimplemented recommendations are enormous, and require significant effort on the part of DND and the CAF to coordinate, de-conflict and prioritize.

To this end, the DND and the CAF have stood up an External Comprehensive Reviews Implementation Committee (ECRIC). The ECRIC, supported by the Director General External Reviews Implementation Secretariat, is responsible for developing and overseeing the implementation of all remaining IR3 (Fish Report) recommendations and those applicable from other external reviews.

Ultimately, many of the recommendations to date involve a wide range of stakeholders and interdependencies, further compounding the challenge of implementation.

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As Madame Arbour states, “The implementation of external recommendations depends on a combination of political will, capacity and accountability.”[14]

As such, **in IECR Recommendation 48***, Madame Arbour calls for the appointment of an external monitor mandated to oversee the implementation of the recommendations in this Report and other external recommendations that the Minister accepts.

She further recommends that an external monitor should be assisted by a small team of their choosing, external to DND/CAF, and should have access to all documents, information, individuals and entities they deem relevant, including ECRIC. Furthermore, the external monitor should provide monthly updates to the Minister and bi-annual public reports.

The intent of this recommendation is to hold relevant stakeholders to account, including senior political actors and Defence Team leadership.

The Minister agrees with the need to support implementation through accountability. She immediately agreed to this recommendation on May 30, 2022, and was pleased to appoint Madame Jocelyne Therrien as External Monitor on October 24, 2022.

Madame Therrien is a former executive of the Office of the Auditor General of Canada where she conducted numerous audits of federal government entities and led the Parliamentary and International portfolios. Recently, she was part of the review of four cases of workplace harassment within the RCMP.

The Minister of National Defence has met with Madame Therrien regularly, and is looking forward to their continued collaboration going forward.

[14] *Ibid.*

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Epilogue from the Minister: Honesty, Transparency and Accountability

As Minister of National Defence, I frequently visit military bases in Canada and travel to visit our personnel deployed abroad. I have met with thousands of CAF members and DND employees – and I am deeply proud of them. My sincere hope is that every Canadian feels this same pride in the people who keep us safe. But, this can only happen if we rebuild lost trust by ensuring transformative change.

Madame Louise Arbour's final report of the Independent External Comprehensive Review provides 48 recommendations to effect transformative change, and we have considered each of them in earnest. Pursuant to recommendation 47, this document serves as my official response to all of her recommendations. As I have outlined, I reject none of the 48 recommendations that Madame Arbour has made, and am committed to moving forward on all of them.

We have made progress, but much work lies ahead. A number of recommendations have already been implemented or are in progress, while others will be implemented in the short-term, and in the coming years. As a former academic, I believe that sunlight is the best disinfectant – and am therefore committed to openness and transparency. This means that DND/CAF will continue to offer regular briefings to journalists and stakeholders on our progress, so that Canadians can be fully informed about our work. We will continue to be honest and clear about our ongoing efforts, and we are grateful for the valuable feedback that we receive from stakeholders, DND/CAF members, and other Canadians.

To conclude, I sincerely thank Madame Arbour and her team at Borden Ladner Gervais for their months of tireless work to produce the Independent External Comprehensive Review final report. As a former Supreme Court of Canada Justice and United Nations High Commissioner for Human Rights, Madame Arbour has made unparalleled contributions to justice and equality in Canada and around the world, and her recommendations for reform are as clear and transformative as we had hoped. In authoring this report, Madame Arbour has made a significant contribution to our country, and for that, we are grateful.

I also express my deep gratitude to DND/CAF members, victims and survivors, who spoke with Madame Arbour and her team – especially those who gathered the strength to share their difficult experiences. Their initiative will help to deliver a better institution for the next generation of soldiers, sailors, aviators, special forces, and defence civilian employees.

Finally, I reiterate that culture change cannot happen from the top down. It will only succeed if we move forward together. This team effort will continue to require the involvement and commitment of every DND employee and CAF member. I invite them to take up this call to arms, and to pursue this mission with the same commitment and vigour for which they are known around the globe.

Progress is necessary, possible, and achievable. Let us – Parliamentarians, Defence Team members and Canadians alike - continue to work towards it, together.

Respectfully yours,



The Honourable Anita Anand, P.C., M.P.
Minister of National Defence

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Annex A – List of 17 IECR Recommendations Accepted for Immediate Implementation

Recommendation #12: The SMRC's name should be changed to Sexual Misconduct Resource Centre.

Recommendation #13: The SMRC should be reinforced as primarily a resource centre, with adequate expertise and capacity, solely for complainants, victims and survivors of sexual misconduct.

Recommendation #14: The SMRC should ensure that it can facilitate immediate access to legal assistance to victims of sexual misconduct. Such legal assistance must be available across the country and on the full range of issues related to sexual misconduct in the CAF, including in respect of the various processes triggered by disclosure. To do so, the SMRC should compile a roster of civilian lawyers able to provide such services and ensure that they are properly trained to do so. The SMRC should also prepare a schedule of fees for such services, and provide for direct payment to the lawyers.

Recommendation #15: The ownership of training and prevention of sexual misconduct should be transferred to the CPCC. The CPCC should continue to consult the SMRC on the development of program content, delivery, and methods of evaluation for sexual misconduct, but the SMRC should not be engaged in actual program delivery or monitoring.

Recommendation #17: The SMRC should remain within the DND and continue to report to the DM.

Recommendation #18: The administrative structure of the SMRC should be reviewed in order to increase its independence, effectiveness and proper place in the Defence Team.

Recommendation #20: The CAF should restructure and simplify its recruitment, enrolment and basic training processes in order to significantly shorten the recruitment phase and create a probationary period in which a more fulsome assessment of the candidates can be performed, and early release effected, if necessary.

Recommendation #21: The CAF should outsource some recruitment functions so as to reduce the burden on CAF recruiters, while also increasing the professional competence of recruiters.

Recommendation #22: The CAF should put new processes in place to ensure that problematic attitudes on cultural and gender-based issues are both assessed and appropriately dealt with at an early stage, either pre- or post-recruitment.

Recommendation #32: In fulfilling her responsibility in approving GOFO promotions, the Minister should be assisted by a senior civilian advisor, not currently a member of the Defence Team. In her consultation with the CDS, the Minister should examine what efforts are being made to correct the over-representation of white men in GOFO ranks.

Recommendation #33: The new processes for psychometric evaluation and confirmatory 360-degree review used in the promotion of GOFOs should be carefully reviewed by an external expert on an annual basis, with a view to their progressive refinement. The results of this annual review should be reported to the Minister.

Recommendation #35: The PaCE system should be modified to include a self-certification requirement on the PAR for those being considered for promotion to the rank of lieutenant-colonel/commander or above, or to the rank of chief warrant officer/chief petty officer 1st class, similar to that already in place for GOFO nominations. The candidate would need to certify that they are not subject to any current or prior investigation or proceeding, whether criminal, disciplinary, administrative or otherwise, related to sexual misconduct; and, if they are, provide all relevant details.

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Recommendation #41: The Minister should be briefed by the ADM(RS) directly on all investigations related to sexual harassment, sexual misconduct and leadership culture in the Defence Team.

Recommendation #42: The ADM(RS) should report annually to the Minister on statistics and activities related to investigations under the DAOD 7026-1, in line with what is required under the PSDPA.

Recommendation #45: The CPCC should host a public online database for all internal Defence Team research and policies relating to sexual harassment and misconduct, gender, sexual orientation, race, diversity and inclusion, and culture change. If a document cannot be made public for security reasons or otherwise, it should still be listed in the database to facilitate access by persons with the requisite clearance or approval.

Recommendation #47: As a first step, the Minister should inform Parliament by the end of the year of the recommendations in this Report that she does not intend to implement.

Recommendation #48: The Minister should immediately appoint an external monitor, mandated to oversee the implementation of the recommendations in this Report and other external recommendations that she accepts. The external monitor should be assisted by a small team of their choosing that is external to the Defence Team. They should have access to all documents, information, individuals and entities they deem relevant, including ECRIC. The external monitor should produce a monthly “monitoring assessment and advice” report directly to the Minister and publish bi-annual public reports.